

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL ANGELO, et al.,

Plaintiffs,

Case No: 19-12165

Honorable Denise Page Hood

v.

STATE FARM MUTUAL
AUTOMOBILE INS. CO., et al.,

Defendants.

**ORDER TO PLAINTIFFS RE:
PROPOSED SECOND AMENDED COMPLAINT**

On July 24, 2021, Plaintiff Michael Angelo filed a *qui tam* complaint against one defendant (State Farm Mutual Automobile Insurance Company). The initial complaint was comprised of three counts in 63 pages (310 paragraphs), with another 221 pages for the 23 attached Exhibits. ECF No. 1.

On June 8, 2021, while this matter was still under seal, Plaintiff Michael Angelo filed an Amended Complaint as a matter of right, which amended complaint added a new Plaintiff, MSP WB, LLC and approximately 316 new Defendants. ECF No. 20. The Amended Complaint itself was comprised of 206 pages that included 144 pages of allegations to support three counts (a total of 617 paragraphs) and

another 62 pages of “exhibits” (A-J). Plaintiffs also attached to the Amended Complaint 13 more Exhibits (A-N) comprising another 36 pages.

The Defendants filed an omnibus motion to dismiss and approximately 10 supplemental motions to dismiss, all of which were fully briefed and recently argued before the Court on December 7, 2022. On December 22, 2022, two weeks after the Court held the hearing on the motions to dismiss, Plaintiffs filed an Amended Motion for Leave to File Second Amended Complaint. ECF No. 426 (it was the third motion for leave to file second amended complaint that was filed that day).

Plaintiffs attached as Exhibit 1 to the Amended Motion for Leave to File Second Amended Complaint a proposed Second Amended Complaint. Exhibit 1 is a 500-page document. There are 658 paragraphs over 174 pages, together with an appendix of another 74 pages, and 25 Exhibits totaling 253 pages. In their Amended Motion for Leave to File a Second Amended Complaint in support of the proposed amendment to the Amended Complaint, Plaintiff state that the proposed Second Amended Complaint:

adds further details regarding Defendants scheme to knowingly underreport claims, including specifics allegations regarding ISO’s efforts to protect the Primary Plans from detection. The proposed amendment also adds additional exemplars and original source documentation to defeat the Defendants’ public disclosure bar grounds for dismissal. Additionally, the proposed amendment adds an additional and related FCA claim.

ECF No. 426, PageID.6416.

Plaintiffs do not offer further clarification regarding: (a) any paragraphs, exhibits, Exhibits, or Appendices (such as exemplars) that were added in the proposed Second Amended Complaint, (b) whether any paragraphs, exhibits, Exhibits, or Appendices (such as exemplars) were deleted from the Amended Complaint, or (c) any other information that would enable the Court to identify where the proposed Second Amended Complaint differs from the Amended Complaint.

In the new, 500-page document that includes: (1) approximately 250 additional pages; (2) a new claim (count); (3) more than 41 new paragraphs; (4) allegedly some new exemplars; and (5) other differences, Plaintiffs have not delineated what or where those changes were made.¹

Accordingly,

IT IS ORDERED that Plaintiffs shall, within 7 days of the date of this Order,

¹Defendants have filed two response briefs to the Amended Motion to File Second Amended Complaint, and it appears that they must have combed through the document to ascertain the changes Plaintiffs propose to the Amended Complaint. Defendants understandably did not identify for the Court the paragraphs, pages, etc. that were added, altered or deleted (nor did they have any obligation to do so).

provide the Court with separate lists of the following:

- A. All paragraphs from the Amended Complaint that are not in the proposed Second Amended Complaint (identified by the paragraph number in the Amended Complaint).
- B. All new paragraphs in the Second Amended Complaint (identified by the paragraph number in the proposed Second Amended Complaint).
- C. The PageIDs in ECF No. 426 where any new exemplars can be found, as well as identifying all Defendants to whom each new exemplar pertains.
- D. The PageIDs in ECF No. 20 (the Amended Complaint) that include any exemplars that are in the Amended Complaint but not in the proposed Second Amended Complaint.
- E. Any Exhibits to the proposed Second Amended Complaint that were not attached to the Amended Complaint.
- F. Any Exhibits to the proposed Second Amended Complaint that have additional/redacted/changed data or information *vis a vis* the Amended Complaint, with specification of what data has been added/redacted/changed.

G. Any Exhibits to the Amended Complaint that are not attached to the proposed Second Amended Complaint.

IT IS FURTHER ORDERED that Plaintiffs shall include in their submission to the Court a blackline that shows all the differences between the Amended Complaint and the Second Amended Complaint. The blackline version should end with the signature block following the paragraphs of the complaints themselves (*i.e.*, not any appendices, exhibits, or Exhibits).

IT IS FURTHER ORDERED that Plaintiffs shall file their entire submission on the docket and promptly send a hard copy of the entire submission to chambers.

IT IS FURTHER ORDERED that Defendants need not, and shall not, file any response to Plaintiffs' submission in accord with this Order.

IT IS FURTHER ORDERED that the Court shall decide the Amended Motion for Leave to File Second Amended Complaint on the briefs, without oral argument.

Dated: March 13, 2023

s/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE